

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 300 of 1998

Between:

Are China Penchalaiah S/o.Penchalaiah
R/o.Bodipadu Village Chejerala Mandal
Nellore District.

..... PETITIONER

AND

- 1 Govt.of A.P. Rep by its Secretary
Revenue Excise-II Dept Secretariat Building
Hyderabad.
- 2 Commissioner of Excise Prohibition
Nampally , Hyderabad.
- 3 The District Collector
Nellore.
- 4 Superintendent , Prohibition & Excise
Nellore
- 5 Itha China Ankaiah President of Toddy Tappers Cooperative Society
Chejerala, Chejerala Mandal Nellore District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records and issue a writ order direction more particularly one in the nature of writ of mandamus set aside the impugned Memo.No.85905/Excise.II/(1) 97-1, Dt.11-12-1997 of the 1st respondent arbitrary and violative articles 14, 19(1) and 21 of the Constitution of India apart from violative of principles of natural justice.

Counsel for the Petitioner: MR.VENKATA RANGADAS KANURI (Not present)

Counsel for the Respondent Nos.1 to 4: GP FOR EXCISE

Counsel for the Respondent No.5: MR.CH.CKRISHNA REDDY

The Court made the following :

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 300 of 1998

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ORDER:

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None appears for the petitioner.

It is represented by the learned counsel for the 5th respondent that this writ petition is filed seeking to set aside the impugned order, dated 11-12-1997 passed by the first respondent suspending the operation of the Notification of the District Collector, Nellore District published in Nellore District Gazettee No.906, dated 18-11-1997 regarding formation of new T.F.T. (Tree For Tapper) at Bodipadu village, Chejerla Mandal, Nellore District, until further orders. He submitted that subsequently, the Government passed final orders in the matter by G.O. Rt. No.899 Revenue (Ex.II) Department, dated 08-06-1998, which was challenged before this Court in W.P. No.25306 of 1998 and this Court by order dated 18-7-2000 dismissed the writ petition in W.P. No.25306 of 1998, therefore, the present writ petition has become infructuous.

Recording the above submission of the learned counsel for the 5th respondent, the writ petition is dismissed as having become infructuous. No costs.

N.V. RAMANA, J

Date: 01-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Secretary, Govt.of A.P., Revenue Excise-II Dept Secretariat Building
Hyderabad.
- 2 Commissioner of Excise Prohibition
Nampally , Hyderabad.
- 3 The District Collector
Nellore.
- 4 Superintendent , Prohibition & Excise

Nellore
5 Two CD copies

6 Two Ccs. to the Government Pleader for Excise, High Court Buildings,
A.P., Hyderabad (OUT).

*Form-NIC-OGS/WP{**TRR**}*